

# **GRENADA 2022 HUMAN RIGHTS REPORT**

## **EXECUTIVE SUMMARY**

Grenada is a parliamentary democracy with a bicameral legislature. In the general election on June 23, the National Democratic Congress won nine of 15 seats, and on June 24, Dickon Mitchell was named prime minister. Observers considered the elections to have been conducted peacefully and according to established procedures.

The Royal Grenada Police Force has responsibility for law enforcement and reports to the Ministry of National Security. The country does not have a military force but has a police special services unit that is similar to a military division. Civilian authorities maintained effective control over the security forces. There were no reports that members of the security forces committed abuses.

Significant human rights issues included laws criminalizing consensual sexual conduct between men, but the law was not enforced.

The government had mechanisms in place to identify and punish officials who may commit human rights abuses or engage in corruption.

## **Section 1. Respect for the Integrity of the Person**

### **a. Arbitrary Deprivation of Life and Other Unlawful or Politically Motivated Killings**

There were no reports that the government or its agents committed arbitrary or unlawful killings.

### **b. Disappearance**

There were no reports of disappearances by or on behalf of government authorities.

### **c. Torture and Other Cruel, Inhuman, or Degrading Treatment or**

## **Punishment, and Other Related Abuses**

The law prohibits such practices, and there were no credible reports that government officials employed them.

### **Prison and Detention Center Conditions**

Prison conditions were harsh due to gross overcrowding.

**Abusive Physical Conditions:** The government operated the country's sole penitentiary, which was designed for approximately 200 persons. As of October, it held 379 prisoners, including five women in a separate block. In the men's block, potable water was available in prison hallways but not in cells. Potable water was available in the cells in the women's block.

**Administration:** Authorities investigate all credible allegations of mistreatment. There were no reports or allegations of mistreatment during the year.

**Independent Monitoring:** The Visiting Committee, appointed by the cabinet, serves as an independent monitoring committee. Monthly visits were conducted with administrative officials and to address inmate concerns. A Prison Rehabilitation Committee, composed of social workers and counselors, conducted independent monitoring of prison conditions. Human rights groups also visited the prison and provided independent monitoring.

### **d. Arbitrary Arrest or Detention**

The law prohibits arbitrary arrest and detention and provides for the right of any person to challenge in court the lawfulness of his or her arrest or detention. The government generally observed these requirements.

#### **Arrest Procedures and Treatment of Detainees**

The law permits police to detain individuals on suspicion of criminal activity without a warrant, but police must bring formal charges within 48 hours. Authorities generally respected this limit. Authorities granted detainees access to a lawyer of their choice and family members within 24 hours of arrest. The law provides for a judicial determination of the legality of detention within 15 days of

arrest. Police must formally arraign or release a detained person within 60 days, and authorities generally followed these procedures. There is a functioning bail system, although persons charged with capital offenses are not eligible. A judge may set bail for detainees charged with treason only upon a recommendation from the governor general.

#### **e. Denial of Fair Public Trial**

The law provides for an independent judiciary, and the government generally respected judicial independence and impartiality.

#### **Trial Procedures**

The law provides for the right to a fair and public trial, and the judiciary generally enforced this right.

Defendants have the right to a trial without undue delay, although case backlogs sometimes meant periods of several months to a year before a case went to trial. The court appoints attorneys for indigent persons in cases of murder or other capital crimes. In appeals of criminal cases, the court appoints a lawyer if the defendant is unable to afford counsel. According to the Grenada Human Rights Organization, however, the government could not meet the demand for free legal aid. With the exceptions of foreign-born drug-crime suspects or those charged with murder, the courts granted bail to most defendants awaiting trial.

#### **Political Prisoners and Detainees**

There were no reports of political prisoners or detainees.

#### **Civil Judicial Procedures and Remedies**

There is an independent and impartial judiciary for civil matters, including human rights abuses. Defendants may appeal any High Court decision, including human rights decisions, to the Eastern Caribbean Supreme Court.

#### **f. Arbitrary or Unlawful Interference with Privacy, Family, Home,**

## **or Correspondence**

The law prohibits such actions, and there were no reports that the government failed to respect these prohibitions.

## **Section 2. Respect for Civil Liberties**

### **a. Freedom of Expression, Including for Members of the Press and Other Media**

The law provides for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media, an effective judiciary, and a functioning democratic political system combined to promote freedom of expression, including for members of the media.

**Libel/Slander Laws:** Libel, slander, and defamation are criminal offenses. Government or public officials did not use these laws to restrict public discussion or retaliate against journalists or political opponents.

### **Internet Freedom**

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports that the government monitored private online communications without appropriate legal authority.

### **b. Freedoms of Peaceful Assembly and Association**

The law provides for the freedoms of peaceful assembly and association, and the government generally respected these rights.

### **c. Freedom of Religion**

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

#### **d. Freedom of Movement and the Right to Leave the Country**

The law provides for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these related rights.

#### **e. Protection of Refugees**

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, and asylum seekers, as well as other persons of concern.

**Access to Asylum:** The law does not provide for the granting of asylum or refugee status; however, the government has established a system for providing protection to refugees through UNHCR.

### **Section 3. Freedom to Participate in the Political Process**

The law provides citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

#### **Elections and Political Participation**

**Recent Elections:** In the most recent general elections, held in June, the National Democratic Congress won nine of the 15 seats in the House of Representatives, defeating the New National Party. The Organization of American States and Caribbean Community observer missions deemed the elections were conducted peacefully and according to established procedures. There were no reports of abuses or irregularities.

**Participation of Women and Members of Minority Groups:** No law limits participation of women or members of historically marginalized groups in the political process, and they did participate.

### **Section 4. Corruption and Lack of Transparency in**

## **Government**

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. There were no reports of government corruption.

### **Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights**

Several domestic and international human rights groups generally operated without government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

**Government Human Rights Bodies:** The Office of the Ombudsman has the authority to investigate complaints from individuals who object to government actions they deem unfair, abusive, illegal, discriminatory, or negligent. Nongovernmental organizations and other observers considered the Ombudsman's Office to be independent and effective.

### **Section 6. Discrimination and Societal Abuses**

#### **Women**

**Rape and Domestic Violence:** The law criminalizes rape of men or women, including spousal rape. It stipulates a sentence of flogging or up to 30 years' imprisonment for any nonconsensual form of sex. Authorities generally enforced the law.

The law prohibits domestic violence and provides for penalties at the discretion of the presiding judge based on the severity of the offense. The law allows for a maximum penalty of 30 years' imprisonment, and the government enforced the law. The Central Statistical Office reported cases of domestic violence against both women and men. Police and judicial authorities usually acted promptly in cases of domestic violence. According to women's rights monitors, violence against women and children remained a serious and pervasive problem.

**Sexual Harassment:** The law prohibits sexual harassment, but there are no criminal penalties for it. The government noted it was a persistent problem. Some employers took steps to educate employees and reduce harassment, which resulted in the termination of employment in some cases. The Gender-based Violence Unit and Social Services within the Ministry of Social Development conducted awareness drives and worked with survivors of sexual harassment.

**Reproductive Rights:** There were no reports of coerced abortion or involuntary sterilization on the part of government authorities.

Contraception was widely available. There were no legal or social barriers to accessing contraception, but some religious beliefs created cultural barriers to contraception usage.

The government provided access to sexual and reproductive health services for survivors of sexual violence, including emergency contraceptives, through Grenada Planned Parenthood. Emergency contraceptives were also available to victims at pharmacies and clinics throughout the county, including for family planning purposes.

**Discrimination:** The law generally provides the same legal status and rights for women and men, including under family, religious, personal status, and nationality laws, as well as laws related to labor, property, inheritance, employment, access to credit, and owning or managing businesses or property. The law mandates equal pay for equal work. The law does not provide for civil or criminal penalties for sexual harassment in employment. There was no evidence of formal discrimination in such areas as marriage, divorce, child custody, education, the judicial process, and other institutions, including housing, although the law does not explicitly prohibit discrimination based on gender for access to credit. The government enforced the law effectively.

## **Systemic Racial or Ethnic Violence and Discrimination**

The law provides for the prosecution of any individual who perpetrates any act of racial or ethnic violence against minorities or persons in general. The government enforced the law effectively.

## **Children**

**Birth Registration:** Citizenship is derived from birth in the country or, if abroad, by birth to a Grenadian parent upon petition. Birth registration was provided on a nondiscriminatory basis.

**Child Abuse:** The law stipulates penalties ranging from five to 15 years' imprisonment for those convicted of child abuse and disallows the victim's alleged "consent" as a defense in cases of incest. Government social service agencies reported cases of child abuse, including physical and sexual abuse, and had programs to combat child abuse. Authorities placed abused children in either a government-run home or private foster homes.

**Child, Early, and Forced Marriage:** The legal minimum age for marriage is 21, although persons as young as 18 may be married with parental consent in writing.

**Sexual Exploitation of Children:** The law prohibits the sale, grooming, or use of children for commercial sexual exploitation. The also law prohibits child sex trafficking and child pornography. The government enforced the law. The minimum age of consensual sex is 16.

## **Antisemitism**

There is a small Jewish community. There were no reports of antisemitic acts.

## **Trafficking in Persons**

There were no confirmed reports during the year that traffickers exploited domestic or foreign victims in Grenada or that traffickers exploited victims from Grenada abroad.

## **Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex Characteristics**

**Criminalization:** The law criminalizes consensual sexual conduct between men and provides penalties of up to 10 years' imprisonment. The government did not



enforce the law. The law makes no provision for sexual conduct between women.

**Violence against LGBTQI+ Persons:** There were no reports that police or other government agents incited, perpetrated, condoned, or tolerated violence against LGBTQI+ individuals or those reporting such abuse. There was no reported nonstate actor violence targeting LGBTQI+ persons. State and nonstate actors who are complicit in violence and abuse are investigated by the Royal Grenada Police Force and criminally prosecuted.

**Discrimination:** No laws specifically prohibit discrimination in employment, housing, education, health care, access to government services, and essential goods and services against a person based on sexual orientation or gender identity. LGBTQI+ persons have the same rights as other individuals and may report incidences of discrimination to the respective authorities.

**Availability of Legal Gender Recognition:** There is no process by which a government allows individuals to change their gender identity marker on legal and identifying documents to bring them into alignment with their gender identity. The option of identifying as “nonbinary/intersex/gender nonconforming” is not available.

**Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals:** There was no practice of so-called conversion therapy to change a person’s sexual orientation or gender identity or expression.

**Restrictions of Freedom of Expression, Association, or Peaceful Assembly:** There were no reports of restrictions on those speaking out regarding LGBTQI+ matters.

## **Persons with Disabilities**

The law generally prohibits discrimination against persons with disabilities, and there were no reports of discrimination against persons with disabilities. Although the law does not mandate access to public transportation, services, or buildings, building owners increasingly incorporated accessibility features during new construction and renovations. The government provided accommodations in public schools for children with disabilities; however, most parents chose to send

children with disabilities to separate special education schools, believing those schools offered better conditions for learning.

## **Section 7. Worker Rights**

### **a. Freedom of Association and the Right to Collective Bargaining**

The law provides for the right of workers to form and join independent labor unions, participate in collective bargaining, and, with some restrictions, conduct legal strikes. The law prohibits antiunion discrimination. Employees terminated for union activity may bring their cases to the court, and if the court supports the claims, the court may require reinstatement of the employees or compensation to them. The law requires employers to recognize a union in a particular business only if most of the workforce belongs to the union.

While workers in essential services have the right to strike, the labor minister may refer disputes involving essential services to compulsory arbitration. The government's list of essential services includes electricity, water, public-health sectors, sanitation, airports, air traffic, seaports, pilotage, dock services, fire departments, telephone and telegraph companies, prisons, police, hospital services, and nursing. Several of these services are not regarded as essential by the International Labor Organization.

The government respected freedom of association and the right to collective bargaining. Employers generally recognized and bargained with unions.

The government generally enforced labor laws. Penalties were commensurate with those for other laws involving denials of civil rights and were regularly applied against violators. Administrative and judicial procedures related to labor were subject to lengthy delays and appeals.

### **b. Prohibition of Forced or Compulsory Labor**

The law prohibits all forms of forced or compulsory labor and specifically prohibits the sale or trafficking of children for exploitive labor. The law criminalizes the use of force, threats, abuse of power, and other forms of coercion for trafficking. The law does not sufficiently prohibit the trafficking of children,

despite establishing stricter penalties for traffickers of children, since it requires the use of coercion for trafficking to be considered an offense. The government effectively enforced the law.

### **c. Prohibition of Child Labor and Minimum Age for Employment**

See the Department of Labor's *Findings on the Worst Forms of Child Labor* at <https://www.dol.gov/agencies/ilab/resources/reports/child-labor/findings>.

### **d. Discrimination with Respect to Employment and Occupation**

The law prohibits discrimination with respect to employment or occupation based on race, color, national origin, religion, political opinion, gender, age, or disability. The law does not prohibit discrimination in employment or occupation based on language, HIV status or other communicable diseases, sexual orientation, or gender identity. While there is no penalty for these types of discrimination, authorities stated that the country adhered to International Labor Organization guidelines and standards. In general, the law and regulations were effectively enforced in collaboration with the Labor Commissioner's Office within the Ministry of Labor and was sometimes applied against violators.

### **e. Acceptable Conditions of Work**

**Wage and Hour Laws:** The law provides for a national minimum wage for various categories of employment, which was above the poverty income rate.

The law provides for a 40-hour workweek with eight-hour days, except for clerical and shop assistants who have 44-hour workweeks, domestic workers who have a limit of 10-hour workdays, and security guards or shift workers who have a limit of 12 hours of work per day.

**Occupational Safety and Health:** The government sets health and safety standards. Occupational safety and health (OSH) standards were appropriate for the main industries in the country. Experts identified unsafe conditions and responded to workers' complaints, particularly during the pandemic. Workers may remove themselves from situations endangering health or safety without jeopardizing their employment if they reasonably believe the situation presents an

imminent or serious danger to life or health. Alleged violations of OSH standards were common in the manufacturing and construction sectors.

**Wage, Hour, and OSH Enforcement:** Enforcement involving wages, hours, occupational safety, and other elements is the responsibility of the Ministry of Labor. Labor inspectors are responsible for the full range of labor rights inspections, including workplace safety and the right to organize. Ministry of Labor officers worked with employers in sectors such as energy, agriculture, and construction to promote appropriate clothing, health checks, and pesticide safety.

The government effectively enforced minimum wage requirements, overtime, and OSH laws. Penalties for violations were commensurate with those for similar crimes, such as fraud or negligence. Penalties were sometimes applied against violators.

The government encouraged businesses to rectify OSH violations without resorting to punitive channels for compliance. The government provided no information on the amount the law sets for OSH fines or other penalties.

**Informal Sector:** The informal sector accounted for approximately 75 percent of the labor force. The government defined the informal sector as self-employed persons who do not declare their assets or pay income taxes, such as street vendors, farmers, and domestic and construction workers. They were protected by OSH laws and occasionally received assistance through government social programs.